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10 Attorneys for Defendant
11 LEXAR MEDIA, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 JENS ERIK SORENSEN, as Trustee of
17 SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

18 Plaintiff,

19 v.

20 LEXAR MEDIA, INC., a Delaware corporation;
and DOES 1 - 100,

21 Defendants.
22

Case No. C08-00095 JW RS

DECLARATION OF JOSEPH H. LEE IN
SUPPORT OF DEFENDANT LEXAR
MEDIA'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
APPLICATION OF 35 U.S.C. § 295
PRESUMPTION OF INFRINGEMENT

23 I, Joseph H. Lee, declare:

24 1. I am an associate at the law firm of Weil, Gotshal & Manges LLP,
25 attorneys for Defendant in this case. Unless otherwise stated herein, I have personal knowledge
26 of the facts stated in this declaration and, if called upon by a court of law to do so, could and
27 would testify competently to them.
28

2. On May 14, 2008, the parties met and conferred per the Federal Rules of Civil Procedure. During the meet and confer, the parties generally agreed to follow the schedule set by the Patent Local Rules for claim construction.

3. Attached hereto as Exhibit A is a true and correct copy of Interrogatories to Defendant Lexar Media Nos. 1-6.

4. Attached hereto as Exhibit B is a true and correct copy of *Sorensen v. The Black & Decker Corp.*, Case No. 06cv1572 BTM (CAB) (S.D. Cal. Dec. 29, 2006).

5. Attached hereto as Exhibit C is a true and correct copy of *Ajinomoto Co. Inc. v. Archer-Daniels-Midland Co.*, CIV. A. No. 95-218-SLR, 1996 WL 621837 (D. Del. Oct. 21, 1996).

6. Attached hereto as Exhibit D is a true and correct copy of S-Rep. No. 100-83 (1987).

7. Attached hereto as Exhibit E is a true and correct copy of U.S. Patent Number 4,935,184.

8. Attached hereto as Exhibit F is a true and correct copy of Deposition of Stephen Paul Petrie, Ph.D., taken on June 4, 2008.

9. Attached hereto as Exhibit G is a true and correct copy of Protective Order from *Sorensen v. The Black & Decker Corp.*, Case No. 06cv1572 BTM (CAB) (S.D. Cal. Dec. 29, 2006).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of June, 2008, at Redwood Shores, California.

/s/ Joseph H. Lee
Joseph H. Lee